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IN THE

Supreme Court of the United States

OCTOBER TERM, 1965

No. 1057

EL MUNDO, INC., *Petitioner,*

v.

PUERTO RICO LABOR RELATIONS BOARD, *Respondent.*

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE COMMONWEALTH OF PUERTO RICO

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No.

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PUERTO RICO LABOR RELATIONS BOARD, *Respondent*.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE COMMONWEALTH OF PUERTO RICO

Petitioner, El Mundo, Inc., prays that a Writ of Certiorari issue to review the judgment of the Supreme Court of the Commonwealth of Puerto Rico, entered on November 26, 1965 affirming a decision and order of the Puerto Rico Labor Relations Board holding that Petitioner committed an unfair labor practice under the Puerto Rico Labor Relations Act by virtue of an alleged breach of a collective bargaining agreement.

CITATIONS TO OPINIONS BELOW

The opinion and judgment of the Supreme Court of the Commonwealth of Puerto Rico are unofficially reported under number 139 of the 1965 series of the Bar Association of Puerto Rico; they are printed in Appendix A, infra, pp. 1a-3a, and are reproduced in the certified transcript. (R. 79)[1]

The decision and order of the Puerto Rico Labor Relations Board is not reported. It is printed in Appendix B, infra, pp. 4a-17a, and is reproduced in the certified transcript of the record. (R. 34)

JURISDICTION

The judgment of the Supreme Court of the Commonwealth of Puerto Rico is dated November 26, 1965 and was entered on the same date (Appendix A, infra, pp. 1a-3a; R. 79).

Since Petitioner is claiming a right under a statute of the United States, jurisdiction of this Court is invoked under 75 Stat. 417 (28 U.S.C. 1258(3)).

QUESTIONS PRESENTED

Whether, as regards an employer and a labor organization representing employees in an industry affecting commerce, and who meet the jurisdictional standards of the National Labor Relations Board:

1. Section 69(1)(f) of the Puerto Rico Labor Relations Act (29 LPRA 69(1)(f))[1a] is invalid as being in contravention to Section 301(a) of the Labor-Man-

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[1] References are to pages of the certified transcript of the Record which has been filed with this Court.

[1a] The Laws of Puerto Rico Annotated are herein referred to as LPRA.

agement Relations Act (61 Stat. 156, 29 U.S.C. 185 (a)), and Article I, Section 8, clause 3, of the Constitution of the United States;

2. Under federal substantive law a state is preempted from making the breach of a collective bargaining contract an unfair labor practice independent of the enforcement provisions of Section 301(a) of the Labor-Management Relations Act (61 Stat. 156, 29 U.S.C. 185(a));

3. Federal labor policy prohibits states from public enforcement of collective bargaining agreements through state unfair labor practice proceedings before a state administrative agency;

4. Federal labor policy requires that suits for breach or enforcement of collective bargaining agreements be brought by private actions in courts rather than before state administrative agencies.

STATUTES INVOLVED

The statutory provisions directly involved are Section 301(a) of the Labor-Management Relations Act (61 Stat. 156, 29 U.S.C. Section 185(a)) (hereinafter referred to as the Taft-Hartley Act or the LMRA) and Sections 2(7) and (9) thereof (61 Stat. 137, 29 U.S.C. 152(7) and (9)). The texts of these provisions are reprinted in Appendix C, infra, p. 18a. Also directly involved is Section 69(1)(f) of the Puerto Rico Labor Relations Act (29 LPRA 69(1)(f)) (hereinafter referred to as to PRLRA) the text of which is reproduced in Appendix C, infra, pp. 18a-37a, see specifically pp. 28a-29a.

STATEMENT OF THE CASE

Petitioner is a corporation in the newspaper and television business and is engaged in interstate commerce (R. 146). It imports goods in interstate commerce yearly in excess of $1,000,000 and has a gross volume of business in excess of $1,000,000 per year from its newspaper operations. Its television operations also exceed an annual gross volume of $1,000,000. On several occasions the National Labor Relations Board has exercised jurisdiction over its operations, including the certification of the collective bargaining unit involved in this case (R. 139-140).

On September 26, 1962, Petitioner entered into a collective bargaining agreement with the Puerto Rico Newspaper Guild, Local 225, Affiliated to the American Newspaper Guild, AFL-CIO (R. 7) (hereinafter referred to as the Union). On March 25, 1964, the Union filed an unfair labor practice charge against Petitioner before the Puerto Rico Labor Relations Board, charging Petitioner with violation of Section 69(1)(f) of the PRLRA (29 LPRA 69(1)(f)); see Appendix C, infra, pp. 28a-29a).

The PRLRA[2] establishes an administrative agency with investigative, prosecutive, and adjudicative powers, along the lines of the old Wagner Act (49 Stat. 499, 29 U.S.C. 151 et seq.).

The Board has power to investigate and decide charges of unfair labor practices, 29 LPRA 68, 70, but can deny its processes to any employer or labor organization that has not complied with certain filing

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[2] The full text of the Act is reproduced at Appendix C, pp. 18a-37a.

requirements. 29 LPRA 67. Among the matters which constitute an unfair labor practice is the violation of collective contracts by an employer, 29 LPRA 69(1)(f), or by a union, 29 LPRA 69(2)(a). This section contains a provision which permits the Board to dismiss any charge for breach of contract or for enforcement of an arbitration award if the charging party is currently in breach of the contract or has not complied with an order of the Board. Cf. *Drake Bakeries* v. *Local 50*, 370 U.S. 254 (1962); *Packinghouse Workers* v. *Needham Packing Company*, 376 U.S. 247 (1964). Upon finding a violation the Board enforces its order before the Supreme Court of the Commonwealth of Puerto Rico, 29 LPRA 70, where the Board is represented by the Secretary of Justice for the Commonwealth. 29 LPRA 71. Any employer who does not comply with a Board order relating to an unfair labor practice is prohibited from bidding on any public contract or from receiving any franchise, permit, or license, or any grant or loan of public funds, for a period of one year after the service of the Board's order. 29 LPRA 72(a). Furthermore, any person who willfully disobeys the Board is subject to a fine of up to $5,000 and/or imprisonment of up to one year. 29 LPRA 76.

On May 1, 1964, Respondent issued its formal complaint against Petitioner (R. 6) alleging violation of 29 LPRA 69(1)(f). Petitioner answered alleging as an affirmative defense Respondent's lack of authority over its activities by reason of the interstate character of its business (R. 14). A formal hearing took place where the same defense was orally argued (R. 94-96) and the interstate activities of Petitioner were entered in evidence (R. 146).

On April 21, 1965 the Official Examiner issued his report recommending that Respondent find that Petitioner violated the collective bargaining contract and that Petitioner take certain affirmative action (R. 17). On April 27, 1965 Petitioner filed exceptions to said report and alleged that error had been committed in assuming jurisdiction of Petitioner (R. 30). On June 9, 1965, Respondent issued its Decision and Order No. 391, finding that Petitioner violated Section 69(1)(f) of the PRLRA (29 LPRA 69(1)(f)) and thus committed an unfair labor practice. (See Appendix B infra, pp. 4a-17a; R. 34).

On July 8, 1965 Petitioner filed a Petition for Review before the Supreme Court of the Commonwealth of Puerto Rico (R. 1), in which it was alleged that Respondent erred in assuming jurisdiction over Petitioner.

On November 26, 1965, the Supreme Court rendered its opinion and judgment confirming Respondent and holding that the sanctioning by the federal law of an action for damages for breach of contract did not conflict with state administrative agency action which made this conduct a state unfair labor practice (Appendix A, infra, pp. 1a-3a; R. 79).

Petitioner has requested (R. 91-A) the Supreme Court of the Commonwealth of Puerto Rico to retain the Mandate in this case and the same has been granted (R. 91-D).

REASONS FOR GRANTING THE WRIT

This case "once again brings before the Court the troublesome question of where lies the line between permissible and federally preempted state regulation" of labor-management relations. See *Hanna Mining Co.* v. *District 2, Marine Engineers,* 15 L. Ed. 2d 254; — U.S. — (December 6, 1965).

The answer to this question will ultimately depend on whether the application of the challenged state law operates to frustrate the purpose of the federal legislation; *Teamsters, Local 20* v. *Morton,* 377 U.S. 252, 258 (1964); *Colorado Anti-Discrimination Committee* v. *Continental Air Lines,* 372 U.S. 714, 722 (1963); whether such state legislation is a "bane or a blessing" (see Mr. Justice Frankfurter's concurring opinion in *Bethlehem Steel Co.* v. *New York Labor Relations Board,* 330 U.S. 767, 783-784 (1947)). As the Court said in *De Veau* v. *Braisted,* 363 U.S. 144, (1960):

> ". . . would Congress, with a lively regard for its own labor policy, find in this state enactment a true real frustration, however dialectically plausible, of that policy?" (p. 153)

The questions presented are of importance to employers and unions in industries affecting interstate commerce in the Commonwealth of Puerto Rico and elsewhere where similar legislation exists.[3] This case

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[3] Colorado Labor Peace Act, Article 4, Chapter 80, Section 80-4-6(1)(g), (2)(d), Colorado Revised Statutes, 1953; Hawaii Employment Relations Act, Title 11, Revised Laws of Hawaii, 1955, Section 90-7(f), 90-8(c); Wisconsin Employment Peace Act, Wisc. Statutes, as amended, Sec. 111.06(1)(f), (2)(c). See, for a summary of all state labor relations acts, State Labor Relations Acts, U.S. Dept. of Labor, Bulletin 224, January 1961.

See *Tecumsah Products Co.* v. *Wisconsin E.R.B.* (1964), 24 Wis. 2d 188, 126 N.W. 2d 520. In *McLean Distrib. Co.* v. *Brewery and Beverage Drivers,* 254 Minn. 204, 94 N.W. 2d 514, cert. den. 360 U.S. 917 (1959), a state statute made breach of contract "an unfair labor practice" but enforceable only by private suit in the courts. The Union was enjoined from striking in violation of a "no strike clause." The Court has said that it has not yet reviewed the question of whether states may enjoin such strikes. See Lesnick, "State-Court Injunctions and the Federal Common Law of Labor Contracts; Beyond Norris-LaGuardia," 79 H.L.R. 757 (February, 1966); Ratner, "The Emergent Role of District Courts in National Labor Policy," 17 Labor Law Journal 36 (January, 1966).

will permit the Court to pass on a critical question in labor relations in an area of the developing law of federal state relations illustrated by a long series of cases. *Hill* v. *Florida*, 325 U.S. 538 (1945); *Bethlehem Steel Co.* v. *New York Labor Relations Board*, 330 U.S. 767 (1947); *Guss* v. *Utah Labor Relations Board*, 353 U.S. 1 (1957); *Youngdahl* v. *Rainfair*, 355 U.S. 131 (1957); *IAM* v. *González*, 356 U.S. 617 (1958); *International Union* v. *Russell*, 356 U.S. 634 (1958); *Hotel Employee's Union* v. *Sax Enterprises*, 358 U.S. 270 (1959); *Local 24, Teamsters* v. *Oliver*, 358 U.S. 283 (1959); *San Diego Bldg. Trades Council* v. *Garmon*, 359 U.S. 236 (1959); *Plumbers, etc. Local 298* v. *County of Door*, 359 U.S. 354 (1959); *De Veau* v. *Braisted*, 363 U.S. 144 (1960); *Dowd Box Co.* v. *Courtney*, 368 U.S. 502 (1962); *Smith* v. *Evening News Assoc.*, 371 U.S. 195 (1962); *Association of Journeymen* v. *Borden*, 373 U.S. 690 (1963); *Motor Coach Employees* v. *Missouri*, 374 U.S. 74 (1963); *Retail Clerks* v. *Schermerhorn*, 375 U.S. 96 (1963); *Teamsters, Local 20* v. *Morton*, 377 U.S. 272 (1964); *Republic Steel Corp.* v. *Maddox*, 379 U.S. 650 (1964); *Hanna Mining Co.* v. *District 2, Marine Engineers*, supra; *Linn* v. *Plant Guards Local 114*, — U.S. — (decided February 21, 1966). Cf. *Colorado Anti-Discrimination Committee* v. *Continental Air Lines*, 372 U.S. 714 (1963).

We believe that the questions presented by this petition find a ready answer in the legislative history, the current trend and philosophy of the developing federal cases, and in pragmatic considerations.

The general philosophy of the Court in leaving the implementation of federal labor law and policy in the hands of the National Labor Relations Board and the courts is fundamentally sound, and is directed by the

Congress. The vice of the Puerto Rico law is that it does not supplement but interferes with the process of collective bargaining required by federal law. The nature of the applicable law, the administration, remedies, and the presence or absence of penalties are intimately intertwined with the total process of collective bargaining under the LMRA. Freedom from molestation and hinderance in maintaining collective agreements of its vital concern to federal labor policy.[4]

The exposition of the Court in the second *Garmon* case, 359 U.S. 236 (1959), on the reach of the preemption doctrine continues to have vitality as to the questions presented here. The Court said, at pp. 241-242:

> "In determining the extent to which state regulation must yield to subordinating federal authority, we have been concerned with delimiting areas of potential conflict; potential conflict of rules of law, of remedy, and of administration. The nature of the judicial process precludes an ad hoc inquiry into the special problems of labor-management relations involved in a particular set of occurrences. . . . Our task is confined to dealing with classes of situations."

Potential conflict was the keynote throughout the second *Garmon* decision. This is particularly important in connection with comprehensive state labor relations laws administered by state agencies. To al-

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[4] In *Bethlehem* (supra) page 772, the Court said, ". . . It has long been the rule that exclusion of state action may be implied from the nature of the legislation and the subject matter although express declaration of such result is wanting. *Napier* v. *Atlantic Coast Line R. Co.*, 272 U.S. 605." The opinion, at pp. 775-776, quotes Mr. Justice Holmes, ". . . 'When Congress has taken the particular subject matter in hand, coincidence is as ineffective as opposition . . .' *Charleston R. Co.* v. *Varnville Co.*, 237 U.S. 597, 604."

low states to control such activities would "create potential frustrations of national purposes", would involve "too great a danger of conflict with national labor policy", and would only accentuate the "danger of conflict". The conflict with which the Justices were concerned was "conflict in its broadest sense". This question of conflict has been resolved by this Court with respect to the concurrent jurisdiction of the federal and state courts under Section 301(a); a uniform system of federal labor law must be applied. However, such resolution cannot be possible if each state can formulate and apply its own system of unfair labor practices through administrative boards with the power to hear suits for breach of contracts and to enforce administrative remedies and penalties.

State power remains, as the court declared in *Garmon,* only where the activity regulated was a merely peripheral concern of the Act" (see *IAM* v. *González,* 356 U.S. 617 (1958)), or where such activity "touched interests . . . deeply rooted in local feeling and responsibility" and "The compelling state interest, in the scheme of federalism, in the maintenance of domestic peace is not overridden" (see *UAW* v. *Russell,* 356 U.S. 634 (1958); *Youngdahl* v. *Rainfair,* 355 U.S. 131 (1957); *UAW* v. *WERB,* 351 U.S. 266 (1956); and *United Construction Workers* v. *Laburnum Corp.,* 347 U.S. 656 (1954)).[4a] See also *Linn* v. *Plant Guards Local 114,* supra.

[4a] In *Hanna Mining Co.,* supra, the Court, dealing with supervisors, a class clearly outside the definition of employees in the LMRA, said, at — U.S. —, 15 L. Ed. 254, p. 259:

> "The ground rules for preemption in labor law, emerging from our Garmon decision, should first be briefly summarized: in general, a State may not regulate conduct arguably 'protected by § 7, or prohibited by § 8' of the National Labor

The following language used by the Court below is particularly pertinent (Appendix A, p. 2a; R. 80):

> ". . . The fact that the Federal legislation admits an action for damages for such violation—Section 301, Taft-Hartley Act—and that such action for damages should be handled by the Courts, whether Federal or State, does not prevent our Labor Relations Board, as an administrative agency, from taking cognizance under our Act of such violation as an unfair practice . . ."

This decision of the Puerto Rico Supreme Court assumes the following as correct:

(1) That the jurisdiction of Respondent over Petitioner was based on state law and therefore Respondent is not bound by principles of federal substantive law under Section 301;

(2) That Section 301 does not preclude public enforcement of labor contracts by the states, as distinguished from private enforcement by the parties to the agreement;

(3) That Section 301 does not prevent a state from making a breach of contract that would be actionable under said federal legislation, also cognizable as an

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Relations Act, see 359 U.S., at 244-246; and the legislative purpose may further dictate that certain activity 'Neither protected nor prohibited' be deemed privileged against state regulation, cf. 359 U.S., at 245."

The instant case comes within the Court's last observation. The NLRB is required to interpret contracts in many situations. The potential for conflict is enormous. As one example, the PRLRA clearly sanctions a "union shop" without the thirty-day grace period under federal law. See PRLRA, Sections 63(7) and 69(2)(b) (Appendix C, pp. 21a, 30a.) Accordingly, the State Board would be required, in applying the PRLRA, to interpret collective agreements in interstate commerce contrary to federal law.

unfair labor practice before state administrative agencies.

This Court in two decisions in 1962 held that Section 301, which confers jurisdiction upon the federal district courts over suits for violation of collective bargaining agreements, does not deprive state courts of jurisdiction over such suits. *Dowd Box Co.* v. *Courtney*, 368 U.S. 502 (1962); *Local 174, Teamsters Union* v. *Lucas Flour Co.*, 369 U.S. 95 (1962). But in *Dowd Box*, the Court said in reviewing the legislative history of Section 301, "In Conference, however, it was decided to make collective bargaining agreements enforceable *only* in the Courts." Id. at p. 511 (emphasis supplied). And, it is now axiomatic that, where an interstate industry is concerned, federal substantive law must be applied in the interpretation of collective bargaining contracts, *Textile Workers Union* v. *Lincoln Mills*, 353 U.S. 448 (1957). Hence, state courts must apply federal labor law in exercising jurisdiction. They can not do this when they exercise only limited judicial review of a breach of contract suit brought before a state labor board. The Puerto Rico Labor Board applies state substantive law different from a federal common law based upon federal statute and national labor policy. See *Textile Workers Union* v. *Lincoln Mills*, supra.

The legislative history of the Taft-Hartley Act shows that in the Hartley bill violation of the terms of a collective bargaining agreement was to be considered an unfair labor practice subject to processing by the National Labor Relations Board. S. Rep. No. 105, 80th Cong. 1st. Sess., pp. 20, 21, 23; H.R. Rep. No. 245, 80th Cong., 1st Sess., p. 21. It was later

agreed in conference, in considering Section 301, that this provision of the law should be dropped and that, "once parties have made a collective bargaining contract, the enforcement of that contract should be left to the usual processes of the law and not to the National Labor Relations Board." H. Conf. Rep. No. 510, 80th Cong. 1st Sess., p. 42; *Textile Workers Union* v. *Lincoln Mills,* 353 U.S. 448, 452-453 (1957); *Dowd Box Co.* v. *Courtney,* 368 U.S. 502, 510-511 (1962); *Sinclair Refining Co.* v. *Atkinson,* 370 U.S. 195, 206-207, 208 (footnote 27) (1962); *Association of Westinghouse Salaried Employees* v. *Westinghouse Electric Corp.,* 348 U.S. 437 (footnote 2) (1955).

In *Dowd Box Co.* v. *Courtney,* 368 U.S. 502 (1962) the Court said, at page 506:

> "We start with the premise that nothing in the concept of our federal system prevents state *courts* from enforcing rights created by federal law . . ." (Emphasis supplied)

The Court, at pages 510-512, in dealing with the original legislative provisions to make breach of contract an unfair labor practice, again emphasized that state *court* jurisdiction was never displaced. However, nowhere in the legislative history of the Act is there any indication that Congress intended to permit the states to do that which it considered for its own legislative creature but rejected in favor of the "usual processes of the law." In fact, what the legislative record does show is a consistent emphasis on the creation of a forum for traditional judicial remedies in courts. See legislative appendix of *Textile Workers Union* v. *Lincoln Mills,* 353 U.S. 448, at pp. 485-546 (1957).

It should be noted that the court below does not seem to quarrel with the fact that actions under Sec-

tion 301 should be actions in courts, state or federal (Appendix A, p. 2a; R. 80). In effect, however, it concludes, contrary to the teachings of this Court, that the present action is not influenced in any manner by Section 301.

The Court said in *Sinclair Refining Co.* v. *Atkinson,* 370 U.S. 195, 207 (1962):

> ". . . Instead, the conferees, as indicated by the provision which came out of the conference and eventually became § 301, agreed that *suits for breach of such agreements should remain wholly private and 'be left to the usual processes of the law' and that, in view of the fact that these suits would be at the instance of private parties* rather than at the instance of the Labor Board, no change in the existing anti-injunction provisions of the Norris-LaGuardia Act should be made . . ." (Emphasis supplied)

The Court also discusses, at page 214:

> ". . . that if injunctions are necessary, the whole idea of enforcement of these agreements by *private suits* should be discarded in favor of enforcement through the *administrative machinery* of the Labor Board, as Senator Taft provided in his Senate Bill." (Emphasis supplied)

In enacting Section 301 Congress intended that private parties, using the usual processes of the law through suits in courts, enforce collective bargaining agreements. Congress did not intend public enforcement through administrative machinery.

A state is not at liberty to impinge on an area of regulation designated to be free from state action, *Garner* v. *Teamsters,* 346 U.S. 485, 500 (1953); *Teamster Local 20* v. *Morton,* 377 U.S. 252, 260 (1964),

especially where Congress has considered the kind of procedure and remedy enacted by the state and decided against it. *Amalgamated Assoc.* v. *Wisconsin Employment Relations Board,* 340 U.S. 383, 394-395 (1951); *International Union* v. *O'Brien,* 339 U.S. 457, 458 (1951). Yet in Puerto Rico, an employer in interstate commerce is not only subject to a Section 301 breach of contract suit, but, if the present decision stands, he is also subject to unfair labor practice charges for the same breach before a state labor board with procedures peculiar to an administrative body. Furthermore, the employer may be refused the processes of Respondent if in the view of Respondent he lacks "clean hands" or because he has not complied with Respondent's filing requirements. Such an employer in addition to being liable for money damages will have the full weight of public enforcement machinery brought to bear on him, to say nothing of his disqualification from important rights or privileges, as well as the possibility of criminal sanctions. An interstate employer will be subject to all this as regards his Puerto Rican operations, but not as to his operations in other States.[5]

It was the intention of Congress to create uniformity of law, *Local 174, Teamsters* v. *Lucas Flour Co.,* 369

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[5] A state can neither prohibit nor regulate the processes or procedures of collective bargaining under the federal act. *Local 24 Teamsters* v. *Oliver,* 358 U.S. 283 (1959). The Court said in the Oliver opinion, at p. 297, ". . . We have not here a case of a collective bargaining agreement in conflict with a local health or safety regulation; the conflict here is between the federally sanctioned agreement and state policy which seeks specifically to adjust relationships in the world of commerce. If there is to be this sort of limitation on the arrangements that unions and employers may make with regard to these subjects, pursuant to the collective bargaining provisions of the Wagner and Taft-Hartley Acts, it is for Congress, not the States, to provide it."

U.S. 95, (1962), cf. *Guss* v. *Utah Labor Board,* 353 U.S. 1 (1957), and remedy, *Engineers Ass'n* v. *Sperry Gyroscope Co.,* 148 F. Supp. 521, 522 (SD NY, 1957), affirmed 251 F. 2d 133, cert. den. 356 U.S. 932 (1958); cf. *San Diego Bldg. Trades Council* v. *Garmon,* 359 U.S. 236, 247 (1959); *Weber* v. *Anheuser-Busch,* 348 U.S. 469, 479-480 (1955); *United Construction Workers* v. *Laburnum Construction Corp.,* 347 U.S. 656, 663-665 (1954); *Garner* v. *Teamsters,* 346 U.S. 485, 498 (1953); *Amalgamated Association* v. *Wisconsin Employment Relations Board,* 340 U.S. 383 (1951); *International Union* v. *O'Brien,* 339 U.S. 457 (1951). It can not be seriously argued that Congress contemplated subjecting the enforcement of collective agreements in interstate commerce to disparaging remedies, procedures or forums. Certainly such added burdens to interstate commerce are a "bane" and not a "blessing".

Looking at the total scene, there is nothing in the scheme of the LMRA that requires (or permits) a forum other than the courts to be created to hear and determine, and to investigate and enforce by government action, breach of contract suits. There is no "no man's" land under Section 301 to be filled by state labor boards or state law.

To permit the Puerto Rico statute in question to be applied to interstate commerce would be a retrogression to the "checkerboard jurisdiction", *Retail Clerks* v. *Lion Dry Goods,* 369 U.S. 17, 27 (1962), multiplicity of tribunals, and diversity of procedures and remedies, *Garner* v. *Teamsters,* 346 U.S. 485, 490-491 (1953), which Congress sought to correct. Such action would clearly operate to frustrate the purpose of the federal legislation and would place an undue burden on interstate commerce. *Cooley* v. *Board of Wardens,* 12

How. 299 (1851). Collective agreements are necessarily ". . . so dominated by the sweep of federal statutes that legal relations which they affect must be deemed governed by federal law having its source in those statutes rather than by local law." *Teamsters, Local 20* v. *Morton,* 377 U.S. 252, 261 (1964).

The present matter is a serious one raising fundamental questions in the administration of federal labor law and policy. The Supreme Court of the Commonwealth of Puerto Rico has decided important federal questions in a manner which is contrary to the decisions of this Court, and in disregard of clear Congressional intent.

CONCLUSION

For the foregoing reasons, this Petition for Writ of Certiorari should be granted.

Respectfully submitted.

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